

ORDINANCE NO 21

AN ORDINANCE LEVYING A 2% STREET RENTAL CHARGE AGAINST UTILITIES USING THE CITY STREETS OF THE CITY OF SOMERSET, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSET:

SECTION 1. Upon the first day of July of each and every year, every person occupying or using the streets, highways, easements, alleys, parks, or other public places in the city, with poles, pipes, and for other fixtures shall, as a condition to such further occupancy, pay to the city annually for such privileges, a rental equal to two (2) per cent of the gross receipts received by such person, association, organization, or corporation from its business conducted in the corporate limits of the city for the preceding year which sums shall be paid to the city.

SECTION 2. Every person using or maintaining any telegraph, telephone, electric light or other poles, gas and water pipe lines, pipes and other fixtures in any of the streets, highways, easements, alleys, parks or other places within the corporate limits of the city shall, on the first day of July of each year, file with the city secretary a sworn report showing the gross receipts from the business conducted by such person or within the corporate limits of the city for the preceding year, ending the thirtieth day of May .

SECTION 3. The city council may, when it sees fit, have the books and records of any person required to pay the rental charge imposed by this article examined by a representative of the city to ascertain whether the statement filed in accord with section 2 of this ordinance is accurate, but nothing in this section shall be construed to prevent the city from ascertaining the facts by any other method.

SECTION 4. Upon receipt of the rental charge imposed by this ordinance, the city secretary shall deliver to the person paying the same a receipt therefor, which receipt shall authorize such person to use and occupy the streets, highways, easements, alleys, parks and other public ways of the city in carrying on its business for twelve (12) months from July first.

SECTION 5. The rental charge provided for in this ordinance is not charged as a tax, but is made for the privilege enjoyed by the persons upon whom it is imposed of using the streets, easements, alleys and other public ways of the city in the conduct of their businesses, and such charge is additional to all ad valorem and franchise taxes and to all taxes of every nature imposed on such persons.

SECTION 6. This ordinance does not grant a franchise to any utility or person to use the streets, easements, alleys and other public ways and shall never be so construed by the courts or otherwise. The city reserves the right to cancel the privilege granted under this ordinance and refund the unearned rentals paid to the city.

SECTION 7. Every person who shall operate any business without the payment of the rentals provided for in this article shall be subject to a penalty of one hundred dollars (\$100.00) for each and every day

that such person shall conduct such business using and occupying the streets, easements, alleys or other public ways of the city without such payment, which sum may be recovered by the city in a court of competent jurisdiction by a suit filed therein.

Every person, and the local manager or agent of such person, failing or refusing to make the report required by section 2 of this Ordinance or failing or refusing to allow the examination provided for in section 3 shall, upon conviction thereof, be fined in any sum not to exceed one hundred dollars (\$100.00) and every day's failure or refusal shall be deemed a separate offence.

Passed and approved this the 8th day of June, A.D. 1972.

APPROVED:


C. J. (Dick) Kuenstler, MAYOR


Town Secretary